

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 05-4029-01-CR-C- NKL
	)	
DAVID ELBY SHAFER,	)	
	)	
Defendant.	)	

ORDER

Defendant David Elby Shafer (“Shafer”) is charged with conspiracy to distribute marijuana; conspiracy to commit money laundering; and, conspiracy to distribute cocaine. (Doc. 175, 1). On March 20, 2008, United States Magistrate Judge William A. Knox recommended that the Court enter an Order denying Shafer’s Motion to Dismiss for Lack of Jurisdiction [Doc. # 172]. *See* Report and Recommendation [Doc. # 253]. The parties were advised that they could file written exceptions to the recommendation within ten (10) days pursuant to 28 U.S.C. § 636(b)(1)(C). Shafer filed no objections.

Having conducted an independent review of the record, the Court concludes that the recommendation of the Magistrate Judge is correct and should be adopted. On May 18, 2007, Defendant Shafer filed a motion to dismiss for lack of jurisdiction arguing 1) that the Government must have subject matter jurisdiction over him in order to proceed with prosecution; and, 2) that the Government has insufficient evidence to prove that it

has jurisdiction over him beyond a reasonable doubt.

While Shafer alleges no specific facts which might give rise to a doubt as to subject matter jurisdiction, Title 18 U.S.C. § 3231 provides, in relevant part, that “[t]he district courts of the United States shall have original jurisdiction, . . . of all offenses against the laws of the United States.” Shafer was arrested while traveling from Missouri to Texas and the indictment sufficiently alleges that Shafer participated in the alleged conspiracy in Boone County, Missouri, and traveled between Missouri and Texas in order to distribute marijuana in violation of 21 U.S.C. § 841 and 18 U.S.C. § 1951. In the indictment against Shafer, each charge is a violation of the laws of the United States, thereby conferring jurisdiction to this Court. Additionally, the Government states that Shafer’s co-conspirator has already plead guilty to a count of the indictment, and in his factual summary, admitted acting with Shafer in committing offenses against the United States. Plaintiff has submitted nothing to support his conclusory allegations that this Court lacks jurisdiction.

Accordingly, it is

ORDERED that Judge Knox's Report and Recommendation [Doc. #253], is  
ADOPTED.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: May 2, 2008  
Jefferson City, Missouri